July 29, 2020

The Honorable Roger Marshall M.D.
U.S. House of Representatives
312 Cannon House Office Building
Washington, D.C. 20515

The Honorable Raul Ruiz M.D.
U.S. House of Representatives
2342 Rayburn House Office Building
Washington, D.C. 20515

Dear Representatives Marshall and Ruiz,

On behalf of the more than 82,000 members of the American College of Surgeons (ACS), I write in support of H.R. 6910, the ER Hero and Patient Safety Act. This legislation would ensure due process protections for surgeons serving in emergency departments (ED).

Currently, under conditions of participation (CoP), hospitals must provide guidelines for due process rights for physicians, especially for those serving in EDs. To meet the complex organizational challenges of EDs, hospitals often contract with physician staffing companies, outsourcing the entire department. Medicare CoP on due process does not explicitly include language for physicians employed by a third-party contractor. Therefore, these due process protections do not apply to most ED physicians.

This legislation will ensure that due process rights are protected for physicians, including surgeons, employed by a hospital or a third-party staffing company and contracted to provide emergency medical services for a hospital. This bill is a necessary first step, and ACS would encourage additional efforts to expand these necessary due process rights to all physicians hired through third party contracts, regardless of their department or the type of services they provide. This would ensure that surgeons also have access to adequate due process regardless of where they treat patients.

Thank you for your efforts and leadership on this issue; the ACS strongly supports the ER Hero and Patient Safety Act.

Sincerely,

David B. Hoyt, MD, FACS
Executive Director